MEMBER SERVICES

House Communications Office

Coverdell Legislative Office Bldg. , Ste. 609 (404) 656-0305 Phone

TOMORROW'S FORECAST

- * The House will reconvene for its 30th Legislative Day (Crossover Day) on Monday, March 13, at 9:00 am.
- * 60 bills are expected to be debated on the floor.

GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT

THURSDAY, MARCH 9, 2006

LEGISLATIVE DAY# 29

TODAY ON THE FLOOR

Speaker of the House, Rep. Glenn Richardson, gaveled the House into session today, at 10:00 am, for the 29th Legislative Day of the 2nd Session of the 148th General Assembly.

DEBATE CALENDAR

HB0239 Civil practice; settlement offers; litigation costs

- The committee substitute to SB 239 is designed to encourage opposing parties in a civil action to be reasonable in offers to settle. This bill creates a 75/125 standard which clarifies when a party is entitled to attorney's fees. A plaintiff will be required to pay a defendant's attorney's fees if the verdict to plaintiff is less than 75% of defendant's offer of settlement. A defendant will be required to pay a plaintiff's attorney's fees if the verdict to plaintiff is in an amount greater than 125% of defendant's offer of settlement.
- Authored By: Rep. Barry Fleming
- Special House Rules Applied: Structured
- House Committee: Special Committee on Civil Justice Reform
- **Yea**: 114 **Nay**: 35

HB0695 Disabled Assistants Act; authorize permits for certain wild animals

- This bill provides that certain disabled persons shall be issued a wild animal permit if a person has a disability which interferes with that person's ability to perform one or more routine daily living activities. The applicant must establish to the satisfaction of the Department prior to issuance of such permit: that the animal for which the permit is to be issued has been or will be trained to assist the person in performing his or her daily living activities; that the animal will be humanely treated and will not present a health or safety threat; that the organization furnishing the animal to the applicant is reputable, lawful, and does not have any history of violating this chapter; and must provide to the department documentation and data sufficient to establish that the organization has a proven record, over at least a ten-year period, of furnishing animals which provide meaningful assistance to persons with disabilities.
- Authored By: Rep. Doug Holt
- Special House Rules Applied: Open
- House Committee: Game, Fish & Parks
- **Yea**: 160 **Nay**: 1

HB0841 Sales tax exemption; qualified job training organizations

- This bill provides for a sales tax exemption on sales of tangible personal property and services to a qualified job training organization if such organization obtains an exemption letter from the DOR commissioner. In order to receive this exemption the qualified job training organization must be located within the state, have 501(c)(3) status, specialize in the retail sale of donated items, provide job training and employment services to individuals with workplace disadvantages and disabilities, use a majority of its revenue for job training and placement programs and provide other critical community services. This exemption will sunset July 1, 2008.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 160 **Nay**: 0

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HB0893 Sales tax; educational purposes; amend certain provisions

- This is a companion bill to HR 773 and allows for a county school district in which one or more independent school districts are located to levy a sales tax for educational purposes without the participation of all independent school districts located within the limits of the local taxing jurisdiction.
- Authored By: Rep. Jan Jones
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 158 **Nay**: 0

HB1006 Prestige license plates; Breast Cancer; distribution of renewal fees

- HB 1006 emphasizes that the renewal registration fees for prestige license plates supporting breast cancer programs be distributed in the same manner as the initial fees.
- Authored By: Rep. Kathy Ashe
- Special House Rules Applied: Structured
- House Committee: Motor Vehicles
- Yea: 134 Nay: 0

HB1030 Excise tax; furnishing of public accommodations; change provisions

- This bill provides for an additional hotel-motel tax levy at a rate of 5% for any county or city that has a convention center of at least 50,000 square feet that is owned by a development authority and leased to a charitable trust. Further restrictions require that the county or city have a private sector nonprofit organization which has entered into a contract with the county or city and the charitable trust on or before December 31, 2005 relating to the expenditure of the proceeds of the tax collected under this Code section.
- Authored By: Rep. Vance Smith
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 161 **Nay**: 0

HB1090 Public works; exercise of power to contract by Department of Transportation; amend

- A bill to be entitled an Act to amend Chapter 10 of Title 13 Of the O.C.G.A., relating to contracts for public works, and Article 4 of chapter 2 of Title 32 of the O.C.G.A., relating to exercise of power to contract by the DOT generally, so as to provide that a contractor that is more than 30 days behind in the performance of a state public works construction contract or a construction or maintenance contract with the DOT due to the fault of such contractor shall not be eligible to bid on any additional state public works construction contracts or DOT construction or maintenance contracts until such time as the performance of such contract is brought current or is completed; to provide fo related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Ben Harbin
- Special House Rules Applied: Open
- House Committee: Transportation
- Yea: 158 Nay: 0

HB1178 Prescription drugs; unused; medically indigent persons; establish program

- This bill would charge the state Health Agencies and the Board of Pharmacy with creating and administering a program to dispense surplus medicines to indigent persons.
- Authored By: Rep. Cecily Hill
- Special House Rules Applied: Modified-Structured
- House Committee: Health & Human Services
- **Yea**: 166 **Nay**: 0

<u>HB1301</u> Sales and use tax exemption; certain food and groceries; food bank; provide

- This bill provides for a sales tax exemption for the sale of eligible food and beverages to a qualified food bank from July 1, 2006-June 30, 2008. Such entity is defined as a food bank which has 501(c) (3) statue and that operates primarily for the purpose of providing hunger relief to low income persons residing in Georgia.
- Authored By: Rep. Chuck Martin
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- Yea: 143 Nay: 0

HB1320 Environmental offenses; littering; revise provisions

- This bill creates the "Comprehensive Litter prevention and Abatement Act of 2006." The Act reorganizes the Code sections that deal with proper litter disposal and punishments for improper litter disposal. The bill defines a new term "egregious litter" and provides for punishments as a misdemeanor any egregious litter that is not a biohazard; punishment will be as a felony if egregious litter is a biohazard. The Act will also allow law enforcement to impound the vehicle of anyone convicted of

egregious litter and creates a procedure for taking and returning the vehicle. This bill sets requirements for reporting on litter by agencies to the General Assembly and empowers probate, municipal and magistrate courts to hear misdemeanor litter cases.

- Authored By: Rep. Lynn Smith

- Special House Rules Applied: Modified-Open
- House Committee: Judiciary Non-Civil

- **Yea**: 156 **Nay**: 12

HR0773 Sales tax for educational purposes; authorization under certain conditions - CA

- This resolution allows for a county school district in which one or more independent school districts are located to levy a sales tax for educational purposes without the participation of all independent school districts located within the limits of the local taxing jurisdiction.
- Authored By: Rep. Jan Jones
- Special House Rules Applied: Structured
- House Committee: Ways & Means

- **Yea**: 164 **Nay**: 1

SUPPLEMENTAL CALENDAR

HB0834 Sales tax exemption; fuel for certain swine raising purposes

- This bill provides for a state sales tax exemption for sales of liquefied petroleum gas or other fuel used in a structure where swine are raised from July 1, 2006 until June 30, 2008.
- Authored By: Rep. Jay Roberts
- Special House Rules Applied: Structured
- House Committee: Ways & Means

- **Yea**: 148 **Nay**: 5

HB1073 Houston Judicial Circuit; number of judges; provisions

- Provides for a third judge in the superior court of the Houston Judicial Circuit which will be appointed by the Governor and successors will be elected. Also provides for an additional court reporter and other staff for the new judge.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Open
- House Committee: Judiciary
- **Yea**: 163 **Nay**: 0

HB1120 Dealers' sales and use tax; estimated liability; change provisions

- This bill raises the threshold of estimated tax liability of a dealer for any taxable period from \$2500 to \$5000.
- Authored By: Rep. Martin Scott
- Special House Rules Applied: Structured
- House Committee: Ways & Means
- **Yea**: 154 **Nay**: 0

HB1246 State flag; deceased Georgia elected state officials; provide

- This bill provides for state flags to honor deceased Georgia elected state officials to be given to the family of said official by the Secretary of State free of charge.
- Authored By: Rep. Ernestine Howard
- Special House Rules Applied: Open
- House Committee: Governmental Affairs
- **Yea**: 153 **Nay**: 1

HB1273 Security deposits; escrow accounts; change certain provisions

- Replaces "his" with "such landlord's" when referring to a landlord's agent. Further strikes the escrow account number from information that would be provided to a tenant.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Open
- House Committee: Judiciary
- Placed back onto Debate Calendar for Legislative Day 30.

HB1313 Eminent domain; comprehensive revision of provisions; provide

- This bill provides that the exercise of the power of eminent domain for redevelopment purposes must be by vote of an elected governing body of a county or municipality, not an unelected authority. House Authorities and Downtown Development authorities may not directly condemn property. HB 1313 would not allow property to be condemned for redevelopment

purposes except to eliminate blight as that term is defined by general law, and it provides that before any condemnation for redevelopment can occur, a court must decide that each parcel of property sought to be condemned as "blighted property" is actually blighted. The bill defines "blight," "economic development," and "public use." HB 1313 provides for additional notice requirements before a resolution to condemn property is passed, and allows only the condemnee to obtain attorneys' fees and only in cases where the government ultimately cannot condemn the property. The bill allows condemnees to obtain relocation damages and imposes good faith obligations on the condemnor. HB 1313 permits counties and municipalitites to have standing in quiet title actions and permits condemnations hwere th government has unanimous consent of all known persons with an interest in the property.

- Authored By: Rep. Rich Golick
- Special House Rules Applied: Structured
- House Committee: Judiciary
- **Yea**: 173 Nay: 1

HB1316 High School Athletics Overview Committee; create

- This bill provides for the creation of the High School Athletics Overview Committee. It provides the compensation for members, power to compel attendance of witnesses and production of documents, and the dates for reports of the committee to be submitted. It further provides for the duties of the committee and the expenditure of funds.
- Authored By: Rep. Chuck Martin
- Special House Rules Applied: Open
- House Committee: Education
- **Yea**: 153 **Nay**: 3

HB1421 Demand for trial; defendant present in court; require

- Bill requires that a demand for trial be a separate and distinct document filed with the court and that the demand be sent to the prosecutor and judge in said case. Further provides that a defendant must be present in court to announce a demand for trial upon indictment.
- Authored By: Rep. Barry Fleming
- Special House Rules Applied: Modified-Open
- House Committee: Judiciary Non-Civil
- **Yea**: 157 **Nay**: 0

HB1435 Voting; persons with disabilities; provisions

- This bill authorizes an attendant care giver to provide assistance in voting an absentee ballot. Further, HB 1435 provides for the manner of assistance in voting for persons with disabilities.
- Authored By: Rep. Sue Burmeister
- Special House Rules Applied: Structured
- House Committee: Governmental Affairs
- **Yea**: 154 **Nay**: 0

HB1496 Waycross Judicial Circuit; term of court; change

- No Summary Available
- Authored By: Rep. Mark Hatfield
- Special House Rules Applied: Open
- House Committee: Judiciary
- Yea: 157 Nav: 0

HR1306 Condemnation of property; redevelopment purposes; approved by vote; require - CA

- Resolution requires that condemnation that occurs for redevelopment purposes must first be approved by a vote of an elected governing authority. Further provides that the use of eminent domain for the purpose of redevelopment can only be used for blighted property.
- Authored By: Rep. Rich Golick
- Special House Rules Applied:
- House Committee: Judiciary
- Yea: 174 Nay: 1

UNCONTESTED HOUSE/SENATE RESOLUTIONS

HR0821 Vandiver, Governor Samuel E., Jr.; recommend naming building on University of Georgia campus

- This resolution recognizes the lifetime achievements of the late Governor Samuel Ernest Vandiver, Jr. by naming an appropriate building in his honor on the campus of the University of Georgia.
- Authored By: Rep. Jeanette Jamieson

- House Committee: State Institutions & Property

- **Yea**: 159 **Nay**: 0

HR1491 Private James Boggan Memorial Bridge; name

- Renaming the Bear Creek Bridge on Highway 32 West in honor of Private James Boggan.
- Authored By: Rep. Chuck Sims
- House Committee: Transportation
- **Yea**: 159 **Nay**: 0

HR1548 Chambers Crossing; dedicate

- Commemorating the accomplishments of Mrs. Ida Chambers and dedicating Chambers Crossing; and for other purposes.
- Authored By: Rep. Ed Rynders
- House Committee: Transportation
- **Yea**: 159 **Nay**: 0

COMMITTEE ON RULES

The Committee on Rules today has fixed the calendar for the 30th Legislative Day, Monday, March 13, as enumerated below, and can be called at the pleasure of the Speaker of the House.

DEBATE CALENDAR

HB0111 Sales and use tax; change certain definitions

- This bill removes a prime or general contractor's requirement to withhold retainage (2% of the contract amount on contracts in excess of \$250,000) or the requirement for a bond for sales and use tax purposes on resident subcontractors. Resident subcontractors primarily purchase items from Georgia suppliers that impose the proper sales tax at the time of purchase. It also significantly reduces the work required on general and prime contractors and the Department of Revenue. It removes a burdensome process from the contracting industry for resident subcontractors and serves to improve the efficiency of the Department of Revenue by reducing the cost to administer this statute. The requirement for a general or prime contractor to withhold retainage or require a bond on nonresident contractors is not being changed. Nonresident contractors bring items and machinery into Georgia that may result in a use tax liability. In the event the nonresident contractor does not properly file and remit Georgia use tax on those purchases, the retainage is applied to the subcontractor's tax liability.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB0304 Business and occupation tax; certain regulatory fees by local governments

- This bill defines the methods in which regulatory fees are determined by providing six different methods spanning from flat fees to hourly rates to International Code Council data. This bill further specifies that HVAC, electrical, or plumbing work for the comfort of the customer or to protect or maintain property can be done prior to getting the permit and paying the permit fee
- Authored By: Rep. Sue Burmeister
- Special House Rules Applied: Open
- House Committee: Ways & Means

HB0338 Hunting; primitive weapons; amend provisions

- This bill would make it legal to use modern scopes on primitive muzzleloading firearms. Also updates a date reference to departmental rules and regulations. A large number of hunters who pursue their pastime with primitive weapons (muzzle loaders, for example) also find themselves with declining visual acuity. This bill would make it legal to use modern scopes on primitive muzzle loading firearms, and also hopefully decrease the number of poorly aimed shots that may result in wounding the animal.
- Authored By: Rep. Pete Warren
- Special House Rules Applied: Open
- House Committee: Game, Fish & Parks

^{*} The House will reconvene Monday, March 13 at 9:00 am for its 30th Legislative Day of the 2nd Regular Session of the 148th General Assembly.

HB0379 Employees' Retirement; disability benefits; eligibility provisions

- Bill provides that a member of ERS applying for a disability retirement must notify the employing agency and that the employing agency shall determine if an alternative position is available for such employee. Also, the bill provides that the requirements for the alternative position must be compatible with the medical condition of the employee and that the pay, duties and the chance for advancement are the same or greater that the current position. The alternative position shall be offered, in writing, not later than 45 days after submitting the application for disability. The member shall accept or dispute his/her ability to do the job offered by submitting a written appeal to the agency within 30 days after receiving the offer. In the event of an appeal, all the information is sent to the Medical Board of ERS to make a final determination. If the Medical Board determines that the member is unable to perform the task required, for either the position held or the position offered, the member shall be placed on disability retirement. If such employee refuses to accept an offer of alternative employment, or after losing an appeal, does not accept a position, he/she shall not be eligible for a disability retirement.
- Authored By: Rep. Ben Bridges
- Special House Rules Applied: Open
- House Committee: Retirement

HB0483 Teachers Retirement; credit for prior service

- Bill would allow members of TRS to obtain creditable service for service as a temporary full-time employee. The service must have been prior to January 1, 1980 to be eligible for creditable service. To obtain creditable service, member must pay to the board the employee and employer contribution, plus interest, by December 31, 2006.
- Authored By: Rep. Bob Lane
- Special House Rules Applied: Open
- House Committee: Retirement

HB0547 Impact fees; single family construction; provide maximum

- This bill provides for a maximum amount of impact fees which may be imposed with respect to the construction of a new single family residence. The amount is to be no more than \$10,000.00 or 2% of the value, whichever is less.
- Authored By: Rep. John Lunsford
- Special House Rules Applied: Open
- House Committee: Governmental Affairs

HB0582 Employees' Retirement; temporary full-time service; obtain creditable service

- Bill allows members to obtain up to 12 months of creditable service for service as a temporary full-time employee at any time prior to becoming a member of ERS, including any period of time the member was covered by the Georgia Defined Contribution Plan (GDCP) (currently, this option is not available to members if such service time was covered by the GDCP). Member is required to pay the employee and employer contributions with interest. Bill also allows members, who immediately prior to becoming members of ERS, were covered under the GDCP, to obtain creditable service for total prior service under the GDCP. For purposes of this code section, one month equals 20 days (160 hours) and to obtain the creditable service, the member must pay the full actuarial cost.
- Authored By: Rep. Henson Mosley
- Special House Rules Applied: Open
- House Committee: Retirement

HB0654 All-terrain vehicles; additional definitions; provisions

- This bill provides for additional definitions relative to all-terrain vehicles. It creates a two classes of ATVs based on dry weight.
- Authored By: Rep. Bobby Reese
- Special House Rules Applied: Structured
- House Committee: Motor Vehicles

HB0710 Special license plates; identifying persons with diabetes

- This bill creates special license plates such as those identifying persons with diabetes, which do not designate funds.
- Authored By: Rep. Charles Jenkins
- Special House Rules Applied: Open
- House Committee: Motor Vehicles

HB0848 Homestead exemption; senior citizens; actual levy amount

- This bill provides for a state homestead exemption on the primary residence with up to ten contiguous acres for residents 65 and over. This exemption will be renewed annually and shall not apply to county, municipal, or school district taxes. This exemption shall be in addition to and not in lieu of any other homestead exemption from state taxes. A state referendum is required and shall be included on the November 2006 ballot.
- Authored By: Rep. Mark Butler
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB0873 Physician's assistants; public health or state of emergency; render assistance

- Authored By: Rep. Len Walker
- Special House Rules Applied: Open
- House Committee: Health & Human Services

HB0874 Public disclosure of records; certain exception; clarify

- Relates to exceptions and exemptions to requirements for disclosure of public records, so as to clarify an exception; to provide that public disclosure shall not be required for records that are specifically required by federal statute or regulation to be kept confidential; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Jill Chambers
- Special House Rules Applied: Structured
- House Committee: Judiciary

HB1008 "Georgia Hospice Law"; palliative care; amend provisions

- Authored By: Rep. Buddy Carter
- Special House Rules Applied: Open
- House Committee: Health & Human Services

<u>HB1044</u> Firearms; carrying and possession; municipal and city court judges; amend provisions

- Amends Code section 16-11-130 to treat full and part-time municipal and city judges the same with regard to exemptions from state weapons requirements. Currently the Code makes an exception for full-time municipal and city judges, but not part-time judges.
- Authored By: Rep. Mike Cheokas
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

<u>HB1121</u> Sales and use tax exemption; National Infantry Museum and Heritage Park; provisions

- This bill provides for a sales tax exemption for all tangible personal property used in direction connection with the construction or improvement of the National Infantry Museum and Heritage Park at Fort Benning from July 1, 2006 until June 30, 2008.
- Authored By: Rep. Richard Smith
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1168 Winery; tasting room; permit sales

- HB 1168 would allow wineries to sell distilled spirits, malt beverages, and wines in their tasting rooms.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Open
- House Committee: Regulated Industries

HB1193 Vehicles; false or secret compartments; prohibit owning or operating

- Defines "false or secret compartment"; To knowingly use a vehicle containing a false or secret compartment or to install a compartment into a vehicle is punishable by a fine of not more than \$10,000.00 or up to 2 years in prison or both
- •Allows law enforcement to seize both the vehicle and the contents of the compartment when discovered
- Authored By: Rep. David Knight
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

HB1195 Civil case; complaints and judgments; change provisions

- Ensures that a civil action is not considered filed until the civil case form is properly filled out; Requires that judgment not be entered until the civil case form is filed
- Authored By: Rep. Wendell Willard
- Special House Rules Applied: Open
- House Committee: Judiciary

HB1222 Motor vehicles; alcohol, drugs, or other substances; provisions

- Allows other constitutional means, such as probable cause and a request for a search warrant, to be exercised in obtaining

evidence of intoxication; removes the requirement that a driver be under arrest prior to reading imiplied consent; creates only one implied consent warning to replace the four different ones in current law; consolidates DUI and implied consent language in the statute to that it is organized and logical; allows for a per se DUI violation for schedule I-controlled substance violations; expands the language on which medical personnel are qualified to obtain blood samples; creates a comprehensive immunity provision for medical personnel.

- Authored By: Rep. Mark Hatfield
- Special House Rules Applied: Structured
- House Committee: Judiciary Non-Civil

HB1223 County Board of Health; contracts; revise certain provisions

- This bill does several things concerning the operations of County Boards of Health, including preventing Boards from acting as service boards but allowing concurrent membership on such boards, clarifies the definition of a CSB and their boundaries, sets guidelines for the composition of the boards, provides for the appointment of board directors, treats CSBs as private corporate entities, incorporate non-profit organizations, provides for high level oversight of CSBs, and sets their tort liability as in line with that of the state, while also exempting them from anti-trust governance.
- Authored By: Rep. Jeff Brown
- Special House Rules Applied: Open
- House Committee: Health & Human Services

HB1227 Agricultural Education Oversight Commission; create

- This bill provides for the creation of the Agricultural Education Oversight Commission for the purpose of reviewing the conditions, needs, issues, and problems related to the agricultural education program, issuing an annual report on the same to the General Assembly, and recommending any action or legislation which the commission deems necessary or appropriate. In addition, it provides for membership, filling of vacancies, terms, officers, meetings, and reimbursements of members of the commission.
- Authored By: Rep. Terry England- Special House Rules Applied: Open
- House Committee: Education

HB1228 Career and Technical Education Oversight Commission; create

- This bill provides for the creation of the Career and Technical Education Oversight Committee for the purpose of reviewing the conditions, needs, issues, and problems related to the agricultural education program, issuing an annual report on the same to the General Assembly, and recommending any action or legislation which the commission deems necessary or appropriate. In addition, it provides for membership, filling of vacancies, terms, officers, meetings, and reimbursements of members of the commission.
- Authored By: Rep. Terry England
- Special House Rules Applied: Open
- House Committee: Education

HB1230 Georgia Development Impact Fee Act; change certain provisions

- This bill changes certain provisions in the "Georgia Development Impact Fee Act." Further, HB 1230 increases community participation in development impact fee advisory committees and provides for the expenditure of impact fees.
- Authored By: Rep. Ed Lindsey
- Special House Rules Applied: Open
- House Committee: Governmental Affairs

HB1244 Motor fuel; public mass transit; change certain provisions

- This bill provides for an exemption on motor fuel sales by bulk distributors to public transportation systems from July 1, 2006 through June 30, 2008. Such systems include those that are eligible to receive funds pursuant to 49 U.S.C. 5307 and 5311. Current law offers the exemption on buses owned by state and local governments or an entity created by general or local law, however, this bill extends the exemption to vehicles owned by public transportation systems which includes vans, minibuses or other vehicles that have the capacity to transport seven or more passengers.
- Authored By: Rep. Martin Scott
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1248 Alcoholic beverages; comprehensive revision of provisions; provide

- HB 1248 repeals the outdated "tax stamp" on alcoholic beverages, and requires a licensed bond for distillers/manufacturers, wholesale dealers/importers, and brokers for the sale of wine, beer, and liquor. Retailers will be exempt from the bond requirement for the sale of any alcoholic beverages under HB 1248. Relating to local government licensing powers, HB 1248 requires that applicants only need to furnish fingerprints to the GBI once as a prerequisite of receiving an initial permit or license. HB 1248 also strengthens the ability of law enforcement to issue a citation or summons for a person who does the following: knowingly purchases alcohol for a person under 21 years of age, misrepresents his/her age to pur-

chase alcohol, acts as an agent to purchase alcohol, or uses false identification for purchasing alcohol.

- Authored By: Rep. Roger Williams
- Special House Rules Applied: Open
- House Committee: Regulated Industries

HB1249 Ad valorem taxation exemption; watercraft in inventory; provide

- This bill provides for an ad valorem inventory tax exemption on watercraft held in inventory for resale.
- Authored By: Rep. Stacey Reece
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1259 Private detectives and private security officers; licensing; revise

- This bill adds to the definition of "private detective business" those which provide protection of persons from death or serious bodily harm. This bill would allow the chief security officer of a company desiring to be in the private security business to apply for a license, if that individual meets the requirements for a license. Currently only the "corporate officer" of a company may apply for a license for the company. In addition to the initial applicant, the bill would allow additional individuals from the company to qualify to hold the license for the company. This bill adds to the range of qualifications for a license that the applicant has had at least two years experience as a supervisor or administrator in in-house investigations or at least two years experience as a peace officer. With respect to a firearm permit, the bill would allow an applicant to carry a firearm provided that he or she is not prohibited from possession of a firearm by state or federal law. However the board may refuse to grant or revoke a weapons permit if the person is not permitted to carry a firearm per 16-11-129.
- Authored By: Rep. Calvin Hill
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

HB1273 Security deposits; escrow accounts; change certain provisions

- Replaces "his" with "such landlord's" when referring to a landlord's agent. Further strikes the escrow account number from information that would be provided to a tenant.
- Authored By: Rep. Larry O'Neal
- Special House Rules Applied: Open
- House Committee: Judiciary

<u>HB1282</u> Deeds; recording; provisions

- Amends 44-2-30 so as to create a form for notice of settlement with regards to deeds as well as provide for an index and fees for same.
- Authored By: Rep. David Ralston
- Special House Rules Applied: Open
- House Committee: Judiciary

<u>HB1290</u> Telephone service provider; customer records; prohibit sale or transfer

- This bill prohibits the sale or fraudulent transfer or use of the records of a customer of a telephone service provider with the exemption of law enforcement agencies engaged in their lawful duties.

The bill also punishes the sale or fraudulent transfer or use of such records with a fine of not more than \$250,000.00 or up to ten years imprisonment or both

- Authored By: Rep. Cecily Hill
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

HB1300 Bonds; aggregate amount; raise

- This bill raises the maximum aggregate amount of revenue bonds issued by the public safety and judicial facilities authorities from \$50 million to \$80 million.
- Authored By: Rep. Michele Henson
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1302 Georgia Street Gang Terrorism and Prevention Act; change certain provisions

- Bill amends 16-15-3 so as to define criminal gang activity as the commission or solicitation of another person to commit racketeering, stalking, aggravated sodomy, statutory rape, aggravated sexual battery, confinement, use of dangerous instrumentalities, violation of security of correctional facilities, encouraging a child to escape custody, creating any form of graffiti, and committing a violation any other U.S. law. Provides that any person who violates said code section will face 5 to 15 years in jail and/or a fine of \$10,000.00 to \$15,000.00. Provides that any individual who fails to check in at designated location at a school and does not leave upon request of the principal or designee will be in violation of a misdemeanor.
- Authored By: Rep. David Casas

- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

HB1305 Seed - Capital Fund; investments; provisions

- This bill expands the definition of "investment entity" to include any entity as to which the state is the sole limited liability owner. By expanding the definition, the state as a sole limited liability owner will be able to invest Seed-Capital moneys by and through investment entities as to which the state is a sole limited liability owner.
- Authored By: Rep. Amos Amerson
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1307 Georgia Register; publication; change certain provisions

- This bill would cause the Georgia Register to be published in an electronic format only.
- Authored By: Rep. Barry Loudermilk
- Special House Rules Applied: Open
- House Committee: Science & Technology

HB1318 Board and Department of Corrections; employee benefits; provisions

- This bill provides authority to place vending machines on the premises of department facilities for the benefit of employees. The profits generated from the vending services will be maintained by the local facility (under the authority of the executive director of the facility) in an interest bearing account designated as the 'employee benefit fund.' The employee benefit fund account of each facility shall be reviewed and audited by the administrative office of the local facility and by the department in accordance with standards and procedures established by the department. No account shall maintain funds in excess of \$5,000.00. Any funds collected causing the balance to exceed \$5,000.00 will be remitted to the department's general operating budget.
- Authored By: Rep. Terry Barnard
- Special House Rules Applied: Open
- House Committee: State Institutions & Property

HB1342 Nonprofit organizations; noncash prizes; provisions

- Excludes non-profit give-away prizes that cannot be exchanged for cash from the definition of lottery. Allows non-profits to give away non-cash prizes. Winners will not be required to pay to be eligible, make a purchase or be present to win.
- Authored By: Rep. Harry Geisinger
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

HB1359 Georgia Assignment Pool Underwriting Authority; create

- This bill creates the Georgia Assignment Pool Underwriting Authority. Further, HB 1359 provides alternative mechanism coverage for the availability of individual health insurance. This bill provides for an assignment pool underwriting board, the selection of an administrator, and for the establishment of rates.
- Authored By: Rep. Ron Forster
- Special House Rules Applied: Open
- House Committee: Insurance

HB1361 Redevelopment Powers Law; change certain definitions

- This bill makes several changes to the Redevelopment Powers Law. The term "ad valorem property taxes" are redefined so as to exclude those taxes levied on personal property or on motor vehicles and those levied on the assessed value of property owned by public utilities and railroad companies. The definition of redevelopment costs is also amended so that payments to a political subdivision or board of education shall not exceed the amount of contribution to the tax allocation increment in any year by such entity. The bill further states that the resolution of any political subdivision or board of education which agrees to the inclusion of property taxes in the tax increment computation shall not specify the inclusion of any property taxes unspecified in the enacting TAD resolution.
- Authored By: Rep. Chuck Martin
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1371 The Pharmacy Audit Bill of Rights; enact

- This bill enacts "The Pharmacy Audit Bill of Rights," provides for a short title, sets out a list of rights of pharmacies undergoing audits, provides for an appeal process, and provides for applicability. HB 1371 provides that any audit must be conducted by a pharmacist in this state and that the entity conducting the audit must give the pharmacy at least one week's notice prior to the initial audit. Further, this bill allows a pharmacy at least ten days to produce documentation to address any discrepancy found during an audit.

- Authored By: Rep. David Graves
- Special House Rules Applied: Open
- House Committee: Insurance

HB1392 Drivers; right of way violation; collision; provide penalties

- Bill provides that any person who causes a collision with a motorcyclist, bicyclist, or pedestrian by committing any violation of right of way will be guilty of a misdemeanor and will face a fine of no less than \$250.00 along with any other penalties.
- Authored By: Rep. Bill Hembree
- Special House Rules Applied: Modified-Structured
- House Committee: Motor Vehicles

HB1412 Certain government vehicles; clean and renewable fuels; require use

- The bill requires the state, cities and counties, and local boards of education on and after January1, 2007 to use clean and renewable fuels, such as biodiesel and ethanol, in any vehicles they operate when such fuel is compatible to the technology of the vehicle.
- Authored By: Rep. Tommy Smith
- Special House Rules Applied: Open
- House Committee: State Planning & Community Affairs

HB1417 Administrative Office of the Courts; assist board of jury commissioners; allow

- This bill would allow the Administrative Office of the Courts to assist the board of jury commissioners in compiling, maintaining, and revising the lists of trial jurors and grand jurors.

The bill would also amend Code Section 40-5-2 to provide for a cross-reference to the Administrative Office of the Courts receiving certain information.

- Authored By: Rep. David Ralston
- Special House Rules Applied: Open
- House Committee: Judiciary Non-Civil

HB1424 Dogs; hunting; change certain provisions

- Several years ago there was a problem with deer hunters who use dogs to hunt. There had been numerous complaints from landowners about the dogs coming onto their property in pursuit of a deer and the hunters' who owned the dogs coming onto the property to retrieve the dogs without first obtaining the permission of the landowner. Some situations got out of hand and a legislative solution was sought and gained. Since that time, the majority of the deer/dog hunters have since cleaned up much of the problem, but now there is concern among many deer/dog hunters that the current legislation unfairly targets hunting clubs who hold club permits whereby a rogue member could jeopardize the club's dog hunting permit. This legislation is a compromise reached by the dog hunters in conjunction with interested parties. This compromise allows the hunting clubs to enjoy some relief from the fear that a few hunters might jeopardize the club's dog hunting tract permit while also protecting the rights of neighboring landowners. This bill would require a permit for the dog, would allow for a cause of action against the dog owner upon the third cumulative violation of the dog roaming onto neighboring property, and a cause of action against the tract permit holder (e.g. hunting club) if any two members or guests violate the above provision once in the same season.
- Authored By: Rep. Tommy Smith
- Special House Rules Applied: Open
- House Committee: Agriculture & Consumer Affairs

<u>HB1436</u> Wine; restaurant patrons; resealed partially consumed bottle; authorize

- Bill allows a resealed bottle of wine, when purchased with a full course meal, to be transported by a patron out of the establishment in which said bottle was purchased. If transported in a vehicle, said bottle must be put in a locked glove compartment, trunk, or the last upright seat in the vehicle, if a glove compartment or trunk are not available.
- Authored By: Rep. Bob Smith
- Special House Rules Applied: Modified-Open
- House Committee: Judiciary Non-Civil

HB1445 Prescription drugs; effects on pregnancy; provisions for pharmacist

- HB 1445 would allow any pharmacist to refuse to fill a prescription drug which he believes is designed to terminate a pregnancy. However, the pharmacist would need to make all reasonable efforts to locate another pharmacist who is willing to fill the prescription, or else the pharmacist must immediately return the prescription to the prescription holder. Under 1445, the pharmacist would need to state his moral or religious objection in writing, but the written refusal could not be the basis for any disciplinary or recriminatory action against the pharmacist.
- Authored By: Rep. James Mills
- Special House Rules Applied: Modified-Structured
- House Committee: Regulated Industries

HB1451 Long-term Care Partnership Program; revise certain definitions

- In accordance with Section 6021 of the Federal Deficit Reduction Act of 2005 the Georgia Long-term Care Partnership Program is established and this legislation brings state law in line with federal regulations.
- Authored By: Rep. Donna Sheldon
- Special House Rules Applied: Open
- House Committee: Human Relations & Aging

HB1456 Accident and sickness policy; age of dependent; provisions

- This bill provides availability of an accident and sickness policy upon termination of dependent coverage based on the age of the dependent. Further, this bill changes requirements as to individual accident and sickness policies to insure certain dependent children of the insured up to and including age 25. HB 1456 also requires that certain group accident and sickness insurance policies insure certain dependent children of the insured up to and including age 25.
- Authored By: Rep. John Meadows
- Special House Rules Applied: Open
- House Committee: Insurance

HB1460 Shrimp and shrimping; lawful methods of; size of cast nets; change provisions

- Section 1- Newly defines, 'Bait shrimp cast net' to mean a castnet with 3/8" mesh size and radius not greater than 8 fee. Section 2-Modifies definition of 'Commercial cast net,' to remove the maximum radius requirement. Under this definition, net size radius is unlimited; the minimum mesh size remains at 5/8" inch bar mesh. Strikes and reserves the definition of 'recreational bait shrimp cast net'
- Authored By: Rep. Cecily Hill
- Special House Rules Applied: Open
- House Committee: Game, Fish & Parks

HB1473 Social Security Act; certain waivers; require prior legislative approval

- A BILL to be entitled an Act to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to require prior legislative approval for the submission of certain waivers pursuant to Section 1115 of the federal Social Security Act; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Jeff Brown
- Special House Rules Applied: Open
- House Committee: Appropriations

HB1483 Quality Basic Education Act; amend provisions

- This bill requires two public hearings prior to decreasing any local salary supplement when there has been an increase in the state minimum salary schedule. These meetings shall be after school hours.
- Authored By: Rep. Don Parsons
- Special House Rules Applied: Open
- House Committee: Education

HB1484 Personal insurance; insurable interest; clarify circumstances

- HB 1484 clarifies the circumstances under which an insurable interest exists with respect to personal insurance.
- Authored By: Rep. Steve Tumlin
- Special House Rules Applied: Open
- House Committee: Insurance

<u>HB1490</u> State park lakes; watercraft; change provisions

- This bill is a consumer protection bill targeted at the problem of stolen boats/vessels in Georgia. According to FBI information, Georgia is #1 in the nation with respect to stolen vessels. Georgia has been known as the state to bring boats for registration prior to obtaining titles in other states. The way it happens is this: a stolen boat has the Hull Identification Number removed from the stolen vessel and the thieves then apply to GaDNR to get it registered. Until just a few years ago, it was possible to obtain registration in this state without a hull ID number. Once registration was obtained in Georgia, then thieves could take the boat to other states and use the Georgia registration information to obtain a title in that state. To correct this, additional clarifying language is added to the code in a fashion similar to vehicle identification numbers (VIN) as required for automobiles and other vehicles. The bill provides for penalties for violation of the section on removal or alteration of hull identification numbers.
- Authored By: Rep. Jon Burns
- Special House Rules Applied: Open
- House Committee: Game, Fish & Parks

HB1502 State revenue commissioner; property appraisal and assessment; provide

- This bill authorizes the DOR commissioner to prescribe soil maps and other sources for documenting the eligibility as a bona fide conservation use property. Further the commissioner may also provide advance notice to taxpayers on changes which result in a breach of a covenant. Members of the county board of tax assessors are now required to complete 40 hours of training prior to or within 180 days of appointment to that board. Current law required the training to be completed within one year of the appointment. Further the commissioner is authorized to specify qualification requirements for certification
- Authored By: Rep. Richard Royal
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HB1506 Businesses; revocation of certificate of registration; prohibit certain sales

- This bill increases the penalty for dealers who knowingly and willfully fail to collect sales tax, falsify returns, furnish a supplemental return, or fails to open records to inspection, from a fine of \$100 and imprisonment of up to three months, to a fine of \$5000 and imprisonment for up to a year. Further, a subsequent conviction will result in a fine of \$10,000 or imprisonment up to five years.
- Authored By: Rep. Penny Houston
- Special House Rules Applied: Structured
- House Committee: Ways & Means

HR0030 Peace Officers' Annuity and Benefit Fund; retirement credit; funding - CA

- Proposing an amendment to the Georgia Constitution so as to provide that the General Assembly shall be authorized to enact legislation and appropriate funds providing for retirement credit for retired members of the Peace Officers' Annuity and Benefit Fund for prior service as a peace officer rendered prior to January 1, 1976 and to provide for membership for inactive peace officers who rendered service prior to January 1, 1976.
- Authored By: Rep. Tyrone Brooks
- Special House Rules Applied: Modified-Structured
- House Committee: Retirement

HR1045 State lottery; HOPE Scholarship Program; designation of funds - CA

- The resolution allows for an amendment to the Georgia Constitution to protect lottery funds to be reserved only for HOPE and other tuition grants, scholarships or loans and for Pre-K and other educational shortfall reserves.
- Authored By: Rep. Rich Golick
- Special House Rules Applied: Structured
- House Committee: Higher Education

HR1094 Sales and use and motor fuel taxes; aviation fuel; revenue provisions - CA

- A BILL to be entitled an Act to amend Code Section 40-6-253 of the Official Code of Georgia Annotated, relating to consumption of alcoholic beverage or possession of open container of alcoholic beverage in passenger area of motor vehicle, so as to provide that a person convicted of such offense shall be guilty of a misdemeanor; to impose a cap of \$500.00 on the amount of a fine that may be imposed in the event of such conviction; to provide for related matters; to provide an effective date and for applicability; to repeal conflicting laws; and for other purposes.
- Authored By: Rep. Chuck Scheid
- Special House Rules Applied: Open
- House Committee: Appropriations

<u>HR1299</u> Trauma care; trust fund; provisions - CA

- A RESOLUTION proposing an amendment to the Constitution so as to provide that the General Assembly may by general law provide a trust fund for the purpose of paying hospitals for unreimbursed trauma care to victims of severe injury or trauma and make all provisions relating to such fund; to provide that the General Assembly may provide for a source of funding specifically designated for such fund, and that such fund shall not be subject to the lapsing provisions of the Constitution; to provide for the submission of this amendment for ratification or rejection; and for other purposes.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Modified-Structured
- House Committee: Appropriations

HR1345 Religious or faith based organizations; public aid; receive - CA

- This resolution proposes an amendment to the Georgia Constitution which mirrors the U.S. Constitution to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, for the provision of such services and to provide for the submission of this amendment for ratification or rejection. The ballot submitting the proposed amendment shall have written or printed the following: "() YES Shall the Constitution of Georgia be amended in a manner consistent with the United States Constitution so as to prevent; () NO discrimination in the publi8c funding of social services by allowing religious or faith based organizations to receive public aid, directly or
- Authored By: Rep. Vance Smith

- Special House Rules Applied: Structured
- House Committee: Human Relations & Aging

HR1551 Joint Comprehensive Water Desalination Study Committee; create

- This bill calls for the creation of a study committee to study desalination of salt water along coastal georgia.
- Authored By: Rep. Ron Stephens
- Special House Rules Applied: Open
- House Committee: Natural Resources & Environment

* The Rules Committee will next meet on Monday, March 13 at 8:30 am to set the Debate Calendar for the 31st Legislative Day.

COMMITTEE ACTION REPORT

<u>JUDICIARY (CIVIL)</u>

HB1104 Landlord and tenant; dispossessory proceedings; provisions

- Provides that a landlord may initiate dispossessory proceedings immediately after refusal by a tenant of demand for pos session. Requires that payments shall be due into court at the time the answer is due.
- Authored By: Rep. Tommy Benton
- Committee Action: Do Pass by Committee Substitute

HB1556 Manufactured or mobile homes; storage charges; provisions

- This bill addresses the situation where a property owner rents a peortion of his or her real property to a tenant who brings a manufactured home onto that property. If the tenant abandons the manufactured home or stops paying rent, the real property owner may collect storage charges from the lienholder of the manufactured home if the lein holder receives written notice of an eviction proceeding against the tenant. Upon receipt of the notice, the lienholder must notify the real property owner with 30 days of its intention to either (a) leave the manufactured home on the property and make storage payments to the real property owner; or(b) allow the real property owner to maintain possession of the manufactured home.
- Authored By: Rep. Austin Scott
- Committee Action: Do Pass by Committee Substitute

STATE INSTITUTIONS & PROPERTY

HB1402 Certain building; state funds; sustainability standards; require

- Relating to public property this bill defines terms requiring certain buildings (constructed with state funds) to meet state sustainability standards; other provisions as follows: Implementation guidelines; Advisory committee; Rules and regulations. Relating to education this bill requires certain local school buildings constructed with state funds to meet state sustainability standards; other provisions as follows:; Review of utility capacity' Financial and technical assistance programs; Also, requires certain buildings of the University System of Georgia constructed with state funds to meet state sustainability standards; other provisions as follows: Implementation of guidelines; Rules and regulations; Performance audit
- Authored By: Rep. Brian Thomas
- Committee Action: Do Pass by Committee Substitute

<u>WAYS & MEANS</u>

HB0230 "Time for Schools Act"; enact

- This bill creates the Time for Schools Act. It strongly encourages employers to allow parents to take at least 8 hours of leave per year in order to attend parent- teacher conferences and programs that are part of the curriculum and intended for parental participation, or for providing needed support to the school in order to promote the child's education.
- Authored By: Rep. Roger Bruce
- Committee Action: Do Pass by Committee Substitute

HB1254 Health plans; high deductible; provide exemption

- This bill allows insurers to claim an exemption on their state premium taxes in an amount equal to 2.25% of the premiums collected by the insurers during the tax year from Georgia residents on premiums paid for high deductible health plans sold

or maintained in connection with a health savings account. It further allows for an amount equal to 100% of the premium paid by the taxpayer for such health care plans or health savings account to be excluded from Georgia net taxable income to the extent that the deduction has not been included in the federal adjusted gross income and the expenses have not been included in itemized non-business deductions.

- Authored By: Rep. Tom Knox
- Committee Action: Do Pass by Committee Substitute

HB1281 Ad valorem taxation; assessed taxable value of property; change provisions

- This bill provides for a more detailed, larger "Notice to Increase Property Taxes" ad which must run in the newspaper prior to an increase of the millage rate beyond the roll back rate by a levying or recommending authority. The bill further prohibits the DOR commissioner from accepting a digest for review or issue an order authorizing the collection of the taxes if the recommending or levying authority, other than the municipal authority, has established a millage rate in excess of the correct rollback, unless the entity has fully complied with the provisions of this bill as well as the provisions outlined in 48-5-32. However, the commissioner may accept digests that have an error in calculation if it determined to be less than 3% of the advertised increase. In the event that the commissioner determines that the entity has not fully complied with all the provisions of the code section, then the commissioner declare the increase above the roll-back rate to be returned to the taxpayer. The entity which is subject to such finding must bear the cost of the refund, including administrative costs.

- Authored By: Rep. Bob Smith
- Committee Action: Do Pass by Committee Substitute

HB1323 Local government; infrastructure development districts; provide

- This bill creates the Georgia Smart Infrastructure Growth Act of 2006 which grants local governments the authority to approve the creation of Infrastructure Development Districts and provides for their powers and regulation.
- Authored By: Rep. Larry O'Neal
- Committee Action: Do Pass by Committee Substitute

HB1416 Homestead option sales and use tax; proceeds; change method of disbursing

- This bill changes the method of distribution of a portion of the Homestead Option Sales Tax for cities created after January 1, 2006. Current law allows for not less than 80% of the proceeds to go towards the homestead exemption and for not more than 20% of the proceeds going towards capital outlay projects for the counties. The purpose of this bill is to redistribute the 20% portion of the proceeds so that both counties and cities can use it for capital outlay.
- Authored By: Rep. Wendell Willard
- Committee Action: Do Pass by Committee Substitute

HR1339 Infrastructure development districts; General Assembly; authorize creation

- This resolution provides for an amendment to the Constitution which will authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts.
- Authored By: Rep. Larry O'Neal
- Committee Action: Do Pass by Committee Substitute

HR1634 Ad valorem taxation; certain exemptions; authorize governing authority - CA

- This resolution gives local governments the authority to exempt retail furniture inventory from ad valorem taxes by referendum within their respective areas.
- Authored By: Rep. Chuck Scheid
- Committee Action: Do Pass

* Committee action reports are edited for this report. For full content, please contact the House Committee Services Office at 404-656-3206. Bills passing committees are reported to the Clerk's Office and are then placed on the General Calendar for Rules Consideration.

COMMITTEE BROADCAST SCHEDULE

MONDAY, MARCH 13, 2006

8:30 am Committee on Rules 341 CAP

* To view the committee broadcast, please the Georgia Legislative Network's link at www.legis.ga.gov

| CONTACT: | BRENT CRANFIELD House Communications |
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| | (404) 656-0305 Brent.cranfield@house.ga.gov |
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